

2009 DRAFTING REQUEST

Bill

Received: **09/04/2008**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Silver**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Public Defender**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Silver, BB0051 -

Topic:

Maximum fees SPD will pay for copies

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|--|--|------------------------|-------------------------|-----------------------|-----------------|-----------------|
| /? | | | | _____ | | | Local |
| /P1 | rryan 09/15/2008 rryan 09/23/2008 | wjackson 09/19/2008 wjackson 09/24/2008 | jfrantze 09/19/2008 | _____ _____ _____ | mbarman 09/19/2008 | | Local |
| /P2 | rryan 10/27/2008 | wjackson 10/27/2008 | rschluet 09/24/2008 | _____ _____ | lparisi 09/24/2008 | | Local |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

/P3

mduchek _____
10/28/2008 _____

mbarman
10/28/2008

FE Sent For:

<END>

2009 DRAFTING REQUEST

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Received: **09/04/2008**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

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This file may be shown to any legislator: **NO**

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|--------------|---------------------|--|------------------------|----------------|-----------------------|-----------------|-----------------|
| /? | | | | | | | Local |
| /P1 | rryan 09/15/2008 | wjackson 09/19/2008 | jfrantze 09/19/2008 | | mbarman 09/19/2008 | | Local |
| | rryan 09/23/2008 | wjackson 09/24/2008 | | | | | |
| /P2 | | <i>/p3 wlj 10/27</i> rschluet 09/24/2008 | | | lparisi 09/24/2008 | | |

MD 10/28 *MD PH 10/28*

FE Sent For:

<END>

2009 DRAFTING REQUEST

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Received: **09/04/2008**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Silver**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Public Defender**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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Maximum fees SPD will pay for copies

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|--------------|--|--------------------------------------|------------------------|----------------|-----------------------|-----------------|-----------------|
| /? | | | | | | | Local |
| /P1 | rryan 09/15/2008 rryan 09/23/2008 | wjackson 09/19/2008 lrb_editor | jfrantze 09/19/2008 | | mbarman 09/19/2008 | | |

FE Sent For:

<END>

2009 DRAFTING REQUEST**Bill**Received: **09/04/2008**Received By: **rryan**Wanted: **As time permits**

Identical to LRB:

For: **Public Defender**By/Representing: **Megan Christiansen**This file may be shown to any legislator: **NO**Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Public Defender**

Extra Copies:

Submit via email: **YES**Requester's email: **christiansenM@opd.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Maximum fees SPD will pay for copies

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|------------------------|------------------------|----------------|-----------------------|-----------------|-----------------|
| /? | | | | | | | Local |
| /P1 | rryan 09/15/2008 | wjackson 09/19/2008 | jfrantze 09/19/2008 | | mbarman 09/19/2008 | | |

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 09/04/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Public Defender

By/Representing: Megan Christiansen

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Public Defender

Extra Copies:

Submit via email: YES

Requester's email: christiansenM@opd.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Maximum fees SPD will pay for copies

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | rryan | /pl WLJ 9/19 | 9/19 | 9/19 | | | Local |

FE Sent For:

<END>

Related Stat. Citations: Modify §.977.08(4m) to specify a statutory reimbursement rate for in-court and out-of-court work of \$70, effective with cases assigned on or after June 20, 2011.

5. **Subject:** Protective Occupational Status for SPD Investigators and Client Services Specialists— DI 5008

Intent: To amend chapter 40 of the Wisconsin Statutes to classify State Public Defender Investigator and Client Services Specialist positions as protective occupation participants for the purposes of the Wisconsin Retirement System.

Related Stat. Citations: §§ 40.02(48) and 40.65, Stats.

(see LRB-0228 from 2007-09 budget, and add Client Services Specialists)

6. **Subject:** Discovery Payment Rates – DI 5010

Intent: Establish rulemaking authority to establish maximum rates the SPD will pay for discovery.

Related Stat. Citations: Modify § 977.02 to add: Promulgate rules to establish maximum payments for copies, in any format, of materials associated with the representation of cases appointed by the state public defender pursuant to § 977.08.

Ryan, Robin

From: Christiansen, Megan [ChristiansenM@opd.wi.gov]
Sent: Thursday, September 11, 2008 1:07 PM
To: Ryan, Robin
Subject: RE: Discovery fees bill draft

Hi Robin -

It would be the former - maximum rates we would pay for the various media.

Thanks!

Megan

-----Original Message-----

From: Ryan, Robin [mailto:Robin.Ryan@legis.wisconsin.gov]
Sent: Wednesday, September 10, 2008 2:51 PM
To: Christiansen, Megan
Subject: Discovery fees bill draft

Megan,

For the budget request regarding discovery fees, do you want only to promulgate rules on what SPD will pay for discovery, or do you want SPD to promulgate rules on what the actual, necessary, and directs costs are of providing copies? I.e. do you want to tie the rules to the language under s. 971.23 (10)?

Thanks,
Robin
261-6927

09/15/2008

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

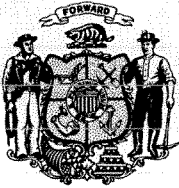
Legal (608-266-3561)

LRB

LRB-0150

statutes commonly refer to
persons/defendants represented
by the state public defender or
by private atty. appointed/assigned
under s. 977.08

ex. 301.45(1m)(d)3.
758.19(5)(a)3. a 4m.
885.10
948.13(2m)(e)3.
970.05(2)(b)
973.20(12)(a)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-01202

RLR:.....

P1

Wlj

In 9/15/08

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Independent
Agency
Budget Draft

RMR
D-N

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

✓ COURTS AND PROCEDURE

✓ PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides legal representation to indigent defendants in criminal cases, to children and youth in protective services and delinquency cases, and to persons in certain civil commitment and paternity proceedings. In both criminal and civil proceedings, persons must disclose certain materials under a process known as discovery. Current law specifies that if a person charges the SPD a fee for copying materials that are subject to discovery in criminal and certain civil commitment cases, the fee may not exceed the actual, necessary, and direct cost of providing the copies. Current law also requires the Department of Health Services to establish maximum charges that health care providers may charge for copies of patient health care records.

This bill requires the SPD to establish by rule maximum fees that the SPD may pay for copies of materials associated with providing legal representation.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

DHS

Public
Defender
Board

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0120/P1dn

RLR:.....

WLj

Date

Megan Christiansen:

I want to verify that I ^{understand} ~~understood~~ the drafting instructions with respect to the following two items:

1. The draft requires the ^{Public Defender Board} ~~SPD~~ to promulgate rules rather than just ^{provide} ~~providing~~ rule-making authority.
2. The draft prohibits the SPD from paying more than the fees established by rule.

Also, the phrase "materials associated with the representation of cases" (or as I wrote it, "materials associated with providing legal representation") is rather broad. Can you narrow the description? Do you want to limit the subject of the rule to fees for copies of discoverable materials?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0120/P1dn
RLR:wlj:jf

September 19, 2008

Megan Christiansen:

I want to verify that I understand the drafting instructions with respect to the following two items:

1. The draft requires the Public Defender Board to promulgate rules rather than just provide rule-making authority.
2. The draft prohibits the SPD from paying more than the fees established by rule.

Also, the phrase "materials associated with the representation of cases" (or, as I wrote it, "materials associated with providing legal representation") is rather broad. Can you narrow the description? Do you want to limit the subject of the rule to fees for copies of discoverable materials?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Discovery Payment Rates
- Tracking Code: 880051
- SBO team: Agriculture, Environment, and Justice
- SBO analyst: Karina Silver
 - Phone: 266-2213
 - Email: Karina.Silver@wisconsin.gov
- Agency acronym: SPD
- Agency number: 550
- Priority (Low, Medium, High): Medium

Intent: To establish rulemaking authority to establish maximum rates the SPD will pay for discovery.

The agency offered the following modification:

Modify s. 977.02 to add: Promulgate rules to establish maximum payments for copies, in any format, of materials associated with the representation of cases appointed by the SPD pursuant to s. 977.08.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0120/P1

RLR:wlj:jf

↑
stays

In 9/23/08

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DOA Budget

RMNR

D-N ✓

Do Not Gen

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides legal representation to indigent defendants in criminal cases, to children and youth in protective services and delinquency cases, and to persons in certain civil commitment and paternity proceedings. In both criminal and civil proceedings, persons must disclose certain materials under a process known as discovery. Current law specifies that if a person charges the SPD a fee for copying materials that are subject to discovery in criminal and certain civil commitment cases, the fee may not exceed the actual, necessary, and direct cost of providing the copies. Current law also requires DHS to establish maximum charges that health care providers may charge for copies of patient health care records.

This bill requires the Public Defender Board to establish by rule maximum fees that the SPD may pay for copies of materials associated with providing legal representation.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 977.02 (9) of the statutes is created to read:

977.02 (9) Promulgate rules establishing the maximum fees that the state public defender may pay for copies, in any format, of materials associated with providing legal representation in cases in which the state public defender or counsel assigned under s. 977.08 provides legal representation.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0120/P2db

RLR:.....

Wlj

Date

Karina Silver:

* I already submitted this draft to the ^{SPD}~~Public Defender~~ as LRB 09-0120/P1 with a drafter's note that included the following comments and questions:

I want to verify that I understand the drafting instructions with respect to the following two items:

1. The draft requires the Public Defender Board to promulgate rules rather than just provide rule-making authority.
2. The draft prohibits the SPD from paying more than the fees established by rule.

Also, the phrase "materials associated with the representation of cases" (or, as I wrote it, "materials associated with providing legal representation") is rather broad. Can you narrow the description? Do you want to limit the subject of the rule to fees for copies of discoverable materials?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0120/P2dn
RLR:wjl:rs

September 24, 2008

Karina Silver:

I submitted this draft to the SPD as LRB 09-0120/P1 with a drafter's note that included the following comments and questions:

I want to verify that I understand the drafting instructions with respect to the following two items:

1. The draft requires the Public Defender Board to promulgate rules rather than just provide rule-making authority.
2. The draft prohibits the SPD from paying more than the fees established by rule.

Also, the phrase "materials associated with the representation of cases" (or, as I wrote it, "materials associated with providing legal representation") is rather broad. Can you narrow the description? Do you want to limit the subject of the rule to fees for copies of discoverable materials?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Silver, Karina B - DOA [karina.silver@wisconsin.gov]
Sent: Monday, October 06, 2008 11:37 AM
To: Ryan, Robin
Subject: FW: Draft review: LRB 09-0120/P1 Topic: Maximum fees SPD will pay for copies

Robin,

Please take a look at the email below. I have read Mike Tobin's review of the Draft **LRB 09-0120/P1** and I believe it is a reasonable addition to their request.

If you have any questions, please feel free to email or call me.

Thanks,

Karina Silver
(608) 266-2213

From: Christiansen, Megan [mailto:ChristiansenM@opd.wi.gov]
Sent: Monday, October 06, 2008 10:58 AM
To: Silver, Karina B - DOA
Subject: FW: Draft review: LRB 09-0120/P1 Topic: Maximum fees SPD will pay for copies

Hi Karina,

Here are our thoughts re the statutory language change the SPD requests re copies. Apparnetly the LRB can only accept drafting instructions from DOA now (although I thought they had accepted at least one from us since 9/15). Megan

-----Original Message-----

From: Ryan, Robin [mailto:Robin.Ryan@legis.wisconsin.gov]
Sent: Thursday, October 02, 2008 11:30 AM
To: Christiansen, Megan
Subject: FW: Draft review: LRB 09-0120/P1 Topic: Maximum fees SPD will pay for copies

Megan, *now*

LRB is ~~not~~ taking budget drafting instructions from DOA, so I converted LRB-0120 to a DOA draft. Will you share your changes with DOA so I may make changes on the DOA draft?

Thanks
Robin

From: Barman, Mike
Sent: Tuesday, September 30, 2008 3:05 PM
To: 'Christiansen, Megan'
Cc: Ryan, Robin
Subject: RE: Draft review: LRB 09-0120/P1 Topic: Maximum fees SPD will pay for copies

Megan,

Language questions need to be directed to the drafting attorney Robin Ryan (261-6927). I forwarded your e-mail to her she should get back to you shortly. Let me know if I can be of further assistance.

Thanks,

10/09/2008

Mike Barman (Senior Program Assistant)

State of Wisconsin - Legislative Reference Bureau

Legal Section - Front Office ... 1 East Main Street, Suite 200, Madison, WI 53703

(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Christiansen, Megan [<mailto:ChristiansenM@opd.wi.gov>]
Sent: Tuesday, September 30, 2008 2:04 PM
To: Barman, Mike
Subject: FW: Draft review: LRB 09-0120/P1 Topic: Maximum fees SPD will pay for copies

Hi -

Please see response below to the drafters note. Thank you!

Megan

-----Original Message-----

From: Tobin, Michael
Sent: Tuesday, September 23, 2008 9:55 AM
To: Christiansen, Megan; Krake, Kellie; Banoul, Arlene
Subject: RE: Draft review: LRB 09-0120/P1 Topic: Maximum fees SPD will pay for copies

I think that the language of sec 971.23(10) needs to be changed as part of this proposal. Otherwise, the counties will have a tenable argument that the statute controls over the admin code, and some counties will continue to say that we have to pay the actual, direct, necessary costs ("pay any fee charged" for photocopies). Maybe (10) could say that the "fee may not exceed the maximum fees set by the SPD Board pursuant to sec. 977.02(9)." In sec 977.02(9), language could be added to clarify that the Board should consider information regarding the actual, necessary, and direct cost of reproducing the discovery materials.

mt

so should refer just to discoverable materials

-----Original Message-----

From: Barman, Mike [<mailto:Mike.Barman@legis.wisconsin.gov>]
Sent: Friday, September 19, 2008 2:06 PM
To: Christiansen, Megan
Subject: Draft review: LRB 09-0120/P1 Topic: Maximum fees SPD will pay for copies

Following is the PDF version of draft LRB 09-0120/P1 and drafter's note.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0120/P2

RLR:wlj:rs

In 10/27/08

stays

DOA:.....Silver, BB0051 - Maximum fees SPD will pay for copies
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMNTR

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides legal representation to indigent defendants in criminal cases, to children and youth in protective services and delinquency cases, and to persons in certain civil commitment and paternity proceedings. In both criminal and civil proceedings, persons must disclose certain materials under a process known as discovery. Current law specifies that if a person charges the SPD a fee for copying materials that are subject to discovery in criminal and certain civil commitment cases, the fee may not exceed the actual, necessary, and direct cost of providing the copies. Current law also requires DHS to establish maximum charges that health care providers may charge for copies of patient health care records.

This bill requires the Public Defender Board to establish by rule maximum fees that the SPD may pay for copies of materials associated with providing legal representation.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

INSERT
Analysis

that are subject to discovery

INS
2-1

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INS 2-5 ✓

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(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0120/P3ins
RLR:.....

1 **Ins Analysis:**

 This bill requires the Public Defender Board (~~Board~~) to establish by rule maximum fees that the SPD may pay for copies of materials that are subject to discovery. In promulgating the rule, the ~~Board~~ must consider information regarding the actual, necessary, and direct cost of producing copies of discoverable materials. Finally, the bill provides that if a person charges the SPD a fee for copies of discoverable materials, the fee may not exceed the applicable maximum fee for copies that is established in the rule. * *

2 **Ins 2-1:**

3 ~~SECTION 1~~ 971.23 (10)[✓] of the statutes is amended to read:

4 971.23 (10) PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT DEFENDANTS.

5 When the state public defender or a private attorney appointed under s. 977.08
6 requests copies, in any format, of any item that is discoverable under this section, the
7 state public defender shall pay any fee charged for the copies from the appropriation
8 account under s. 20.550 (1) (f). If the person providing copies under this section
9 charges the state public defender a fee for the copies, the fee may not exceed the
10 ~~actual, necessary, and direct cost of providing the copies~~ applicable maximum fee for
11 copies of discoverable materials that is established by rule under s. 977.02 (9). ✓

12 History: 1973 c. 196; 1975 c. 378, 421; 1989 a. 121; 1991 a. 223; 1993 a. 16, 486; 1995 a. 27, 387; 2001 a. 16; 2005 a. 42, 279; 2007 a. 20.

12

13

14 **Ins 2-5:**

15 (No IT) In promulgating the rules under this subsection[✓], the board[✓] shall consider
16 information regarding the actual, necessary, and direct cost of producing copies of
17 materials that are subject to discovery.

18 ~~SECTION 2~~ 980.036 (10) of the statutes is amended to read:

1 980.036 (10) PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT
2 RESPONDENTS. When the state public defender or a private attorney appointed under
3 s. 977.08 requests copies, in any format, of any item that is discoverable under this
4 section, the state public defender shall pay any fee charged for the copies from the
5 appropriation account under s. 20.550 (1) (a). If the person providing copies under
6 this section charges the state public defender a fee for the copies, the fee may not
7 exceed the ~~actual, necessary, and, direct cost of providing the copies~~ applicable
8 maximum fee for copies of discoverable materials that is established by rule under
9 s. 977.02 (9).[↓]

History: 2005 a. 434; 2007 a. 20.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0120/P3

RLR:wlj:md

DOA:.....Silver, BB0051 - Maximum fees SPD will pay for copies

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides legal representation to indigent defendants in criminal cases, to children and youth in protective services and delinquency cases, and to persons in certain civil commitment and paternity proceedings. In both criminal and civil proceedings, persons must disclose certain materials under a process known as discovery. Current law specifies that if a person charges the SPD a fee for copying materials that are subject to discovery in criminal and certain civil commitment cases, the fee may not exceed the actual, necessary, and direct cost of providing the copies. Current law also requires DHS to establish maximum charges that health care providers may charge for copies of patient health care records.

This bill requires the Public Defender Board (board) to establish by rule maximum fees that the SPD may pay for copies of materials that are subject to discovery. In promulgating the rule, the board must consider information regarding the actual, necessary, and direct cost of producing copies of discoverable materials. Finally, the bill provides that if a person charges the SPD a fee for copies of discoverable materials, the fee may not exceed the applicable maximum fee for copies that is established in the rule.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 971.23 (10) of the statutes is amended to read:

2 **971.23 (10) PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT DEFENDANTS.**

3 When the state public defender or a private attorney appointed under s. 977.08
4 requests copies, in any format, of any item that is discoverable under this section, the
5 state public defender shall pay any fee charged for the copies from the appropriation
6 account under s. 20.550 (1) (f). If the person providing copies under this section
7 charges the state public defender a fee for the copies, the fee may not exceed the
8 ~~actual, necessary, and direct cost of providing the copies~~ applicable maximum fee for
9 copies of discoverable materials that is established by rule under s. 977.02 (9).

10 **SECTION 2.** 977.02 (9) of the statutes is created to read:

11 **977.02 (9)** Promulgate rules establishing the maximum fees that the state
12 public defender may pay for copies, in any format, of materials that are subject to
13 discovery in cases in which the state public defender or counsel assigned under s.
14 977.08 provides legal representation. In promulgating the rules under this
15 subsection, the board shall consider information regarding the actual, necessary, and
16 direct cost of producing copies of materials that are subject to discovery.

17 **SECTION 3.** 980.036 (10) of the statutes is amended to read:

18 **980.036 (10) PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT**
19 **RESPONDENTS.** When the state public defender or a private attorney appointed under
20 s. 977.08 requests copies, in any format, of any item that is discoverable under this
21 section, the state public defender shall pay any fee charged for the copies from the

1 appropriation account under s. 20.550 (1) (a). If the person providing copies under
2 this section charges the state public defender a fee for the copies, the fee may not
3 exceed the ~~actual, necessary, and, direct cost of providing the copies~~ applicable
4 maximum fee for copies of discoverable materials that is established by rule under
5 s. 977.02 (9).

6 (END)